THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.10154 of 2005

ORAL ORDER:

This writ petition is filed by the Management of Gulf Oil Corporation, Hyderabad questioning the order passed in I.A.No.105 of 2003 in I.D.No.71 of 2001 dated 31.1.2005 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court at Hyderabad.

Petitioner is management and second respondent is the employee. It appears, second respondent filed a claim petition under Section 2-A(2) of the Industrial Disputes Act, 1947. The petitioner herein filed a detailed counter in the said claim petition denying the allegations stating that the subject matter of the claim petition has already been adjudicated in I.D.No.70 of 1996 vide award dated 28.2.1998, therefore the second respondent has no right to file another claim petition against the petitioner-management. In this regard, the petitioner management filed the present application being I.A.No.105 of 2003 praying the Labour Court to decide as to whether the filing of second claim petition against the petitioner-management is hit by principle of *res judicata* since the parties and the issues involved in the earlier claim petition and in the present claim petition are one and the same.

There is no necessity of going into all the details.

The learned counsel for second respondent expressed no objection for deciding the issue of *res judicata* as a preliminary issue.

In view of the same, the first respondent-Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad shall decide the issue as to whether the present I.D. is hit by principle of *res judicata* in the light of award dated 28.2.1998 in I.D.No.70 of 1996 between the same parties and on the same issue. This issue shall be decided by the Labour Court as a preliminary issue.

In the circumstances, the impugned order dated 31.1.2005 passed by the Labour Court is set aside and I.A.No.105 of 2003 is ordered accordingly.

It is desirable that the Labour Court, after giving opportunity to both the parties, shall decide the preliminary issue within a period of (8) weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed. No order as to costs.

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C.V.RAMULU, J

Date: 7.8.2007

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IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.10154 of 2005

Date: 7th August, 2007

Between:

The Managing Director,
M/s Gulf Oil Corporation Ltd.,
Kukatpally, Hyderabad.

.. Petitioner

And

Additional Industrial Tribunal-cum-
Addl. Labour Court, Nampally, Hyderabad
represented by its Presiding Officer & others.

.. Respondents